

REMARKS

The Office Action contained several rejections of the claims under 35 U.S.C. §103. Each will be responded to below.

a. Response to Rejection of Claims 1-15 under 35 U.S.C. §103

Claims 1-3 and 5-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Staege (DE 4309338 C2) in view of Atwater (US 3,661,280). Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Staege in view of Atwater and Carder et al. (US 4,304,518). Claims 7-8, 10-11 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Staege in view of Atwater and Tharp (US 5,887,699). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Staege in view of Atwater and Ringer (US 4,093,084). Claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Staege in view of Atwater, Thornton and Barsky (US 3,042,230). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Staege in view of Atwater, Thornton and Winski (US 5,562,403).

In response to the rejections, Applicant has amended the claims to distinguish over the cited references. Specifically, Applicant has amended independent claim 1, from which claims 2-15 depend, to recite the following new limitations:

- (a) That the traveling conveyor includes means for propelling the rows of pallets in first and second directions so as to be able to move rows of pallets off either of first and second ends of the elongate deck of the conveyor;
- (b) That the elongate deck of the conveyor has sufficient length to support the rows of multiple pallets that form the individual loads;
- (c) That the feed conveyor, storage racks and loading/unloading conveyor also each comprise elongate, generally horizontal end portions having sufficient length to support the rows of multiple pallets that form the individual loads of the cargo; and
- (d) That the means for moving the traveling conveyor moves it between locations in which the elongate deck of the traveling conveyor is aligned longitudinally with

the elongate end portions of the feed conveyor, storage racks and loading/unloading conveyor, for receiving or discharging the rows of pallets that form the individual loads of cargo.

The cited references, taken alone or in combination, do not teach a system having the foregoing limitations. In the Office Action, Staegé is cited as showing a traveling conveyor comprising an elongate, generally horizontal deck. Applicant does not agree that Staegé shows a conveyor, and respectfully submits that the reference in fact shows a multi-tined forklift that cannot be considered a “conveyor” in a reasonable sense. In any event, however, the forklift of Staegé appears capable of extending/retracting from one end only, so as to reach into and withdraw from the interiors of the lorries/trailers, and therefore cannot move rows of pallets off of first and second ends of the deck as required by Applicant’s amended claims. The secondary reference, Atwater, shows “extractor mechanisms” that are incapable of supporting rows of multiple pallets at all. Therefore, the combined references fail to show this element of claim 1.

Furthermore, as noted above, amended claim 1 also requires that the feed conveyor, storage racks and loading/unloading conveyor each comprise an elongate, generally horizontal end portion having sufficient length to support the rows of pallets that form the individual loads of the cargo, and that the traveling conveyor is moved between locations in which its elongate deck is aligned longitudinally with the elongate end portions of these components. Neither Staegé nor Atwater show these elements: Staegé does not appear to show any feed conveyor, storage rack or loading/unloading conveyor having elongate end portions with sufficient length to support rows of multiple pallets forming individual loads of cargo. Atwater shows “spur conveyors 30”, however, the extractors unload laterally onto platforms 28 at the end of the spur conveyors, and in any event the reference does not show storage racks having elongate, generally horizontal end portions having sufficient length to support rows of multiple pallets forming individual loads, as is also required by amended claim 1.

The other cited references add nothing that would teach or suggest the foregoing references. Carder et al. is cited as showing a scissor-jack mechanism, Tharp is cited as showing a conveyor with a branch portion and a sweep arm, Thornton is cited as showing a rigid, dock member, Ringer is cited as showing a conveyor and means for displacing a bypass segment, Barski is cited as showing a push-plate, and Winski was cited as showing an unloading paddle.

For the reasons explained above, the cited references, taken alone or in combination do not teach or suggest all of the elements that are required by amended claim 1 and its dependent claims 2-15. It is therefore respectfully submitted that the rejections of the claims under 35 U.S.C. §103 has been overcome by the present amendment.

b. Rejection of Claims 16-18 and 22-26 under 35 U.S.C. §103

Claims 16-18 and 22-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Holtz (U.S. 6,056,497) in view of Thornton (U.S. 5,054,987) and Lang (U.S. 4,170,292).

In response, Applicant respectfully traverses the rejection. Specifically, Applicant respectfully submits that the proposed modification of Holtz with Lang would not have been obvious to one of ordinary skill in the art, because the proposed modification would render Holtz unsatisfactory for its intended purpose.

In support of the rejection the Examiner asserted:

Lang discloses means 13 for selectively moving an unloading paddle from a retracted position in which an unloading roller 60 is positioned beneath an upper surface...of an extensible dock member to a deployed position in which an unloading paddle projects above an upper surface of an extensible dock member proximate an outer end of a dock member. Lang improves on means for selective transfer such as Holtz's by reducing direct and other abrasive material which 'occasionally clogs and causes wear to paddle tracks'. C1/L15-30. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Holtz to include means for moving an unloading paddle, as per the teachings of Lang, to reduce wear-causing dirt and abrasive material."

Applicant respectfully disagrees. The intended purpose of Holtz is to provide a dump wagon for transporting potted plants; as Holtz states (col. 3, lines 3-7), the bed of the wagon may be covered with from approximately thirty to a couple hundred potted plants depending on the size of the pots. In order to push the various pots over the surface of the bed, the "paddle" of Holtz (pusher 40) must therefore extend across the full width of the bed of the wagon. However, the "cargo shuttle" of Lang has merely a narrow pawl 13 and roller 60 that are erected above the track in which the mechanism rides. (The purpose of Lang being to move cargo containers 31 into and out of aircraft as the Examiner has suggested.) Consequently, if one were to substitute the "unloading paddle" of Lang with that of Holtz, the narrow pawl and roller would simply cut a

path through the numerous, rounded pots on the bed (or perhaps push a few of the pots that happened to be in direct line in front of the pawl/roller), thus failing to push the mass of pots through/out of the wagon and therefore rendering Holtz unsatisfactory for its intended purpose. Moreover, one could not make the pawl/roller 13, 16 of Lang full-width so as to extend entirely across the bed, since Lang relies on the surfaces on either side of the narrow channel to support the cargo and the pawl/roller must be able to retract into the channel in order to travel under the containers.

A proposed modification of the prior art that would render the prior art unsatisfactory for its intended purpose would not be obvious to one of ordinary skill in the art (MPEP 2143.01(V)). Applicant therefore respectfully submits that the combination of the Lang and Holtz references (with Thornton) fails to establish a *prima facie* case of obviousness with regard to independent claim 16 and its dependent claims. Applicant therefore respectfully requests that the rejection of claims 16-19 and 22-26 under 35 U.S.C. §103 be reconsidered and withdrawn.

c. Other Amendments

A minor amendment has been made in Claim 3 to improve its form.

d. Conclusion

Applicant respectfully requests reconsideration of the present application in view of the remarks set forth herein. It is believed that the claims are now in condition for allowance. If there is any matter that can be expedited by consultation with Applicant's attorney, such would be welcome. Applicant's attorney can normally be reached at the telephone number given below.

Signed at Bellingham, County of Whatcom, State of Washington this 15th day of September 2008.

Respectfully submitted,

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